

REMARKS

The Examiner has rejected all of the claims in the application based on 35 U.S.C. sections 102 and 103 with the Allers reference as the purported anticipatory reference and primary reference with respect to obviousness. Accordingly, applicant shall address the correct scope of Allers as well as the present invention in this response in order to demonstrate why Allers is not an anticipatory reference and further, is not a fair basis for a finding of obviousness. When properly interpreted, the present claims should be allowed.

Turning first to the Allers reference, applicant submits that the Examiner has drawn some unfair conclusions with respect to the reference that thereby attribute an undue scope to it. First, the "seal" between the male and female portions in the Allers reference is not impermeable. The patent discusses attempting to seal against gases, vapors and liquids, but there is no teaching or suggestion that the seal formed by the structure described in the patent is actually impermeable. Also, the Allers patent does not disclose any seal between the sidewalls of the protrusion and recess components in that structure. In fact, the drawings show space between those two portions (see figure 4). Still further, the undercut walls in the Allers patent are not smaller than the ridge walls - - the only discussion with respect to the relative size is that the cross-sections "conform" to each other. Figure 4 shows space between those sidewalls that evidence a loose fit therebetween. If anything, the recess walls are longer than the ridge walls as shown in figure 4.

In addition to the foregoing structural differences, there is no teaching in Allers of a plurality of recesses. In fact, the specific embodiment discussed in detail relates to a pie dish holder. Pies are typically single item products. It is not reasonable to combine the implicit limitations of the Allers teaching with the multiple compartment teaching in the Zimmerman reference. There is no suggestion that would teach their combination.

Finally, there is no discussion of the polymer makeup of the Allers structure except that it is a "clear plastic material of known type." (Column 3, lines 14-16). There is no teaching that this plastic is impermeable. Further, there is no teaching that this plastic material has any type of sealing attributes.

Turning now to the present invention, the foregoing qualifications with respect to the Allers reference are relevant alone and in combination with each other. First, as clarified in the foregoing amendments to claims 1 and 13, the seal of the present invention is identified as impermeable. This is a substantial and substantive difference and distinction from the Allers patent.

Second, the seal is specifically described in the present application as between and along the sidewalls as explicit in claim 4. New claims 16 and 17 further amplify this difference by emphasizing the relative width of the ridge versus the recess. Specifically, the preferred embodiment described in the application has a ridge width greater than the recess width. Although the widths are very close, the ridge width is greater to more fully effect the impermeable seal between the sidewalls.

Third, the length of the undercut sidewalls being shorter than the ridge walls is a substantive difference between the present invention and the Allers reference. As noted in claim 10, the undercut sidewall is shorter than the ridge walls. This urges the

sidewalls and walls together to form a better seal.

Fourth, as noted earlier, there is no reasonable teaching or suggestion in the Allers patent of a plurality of recesses. In fact, the preferred embodiment suggests that there would only be a single recess in that pies are generally served one at a time. Accordingly, a plurality of recesses required in various dependent claims is a substantial and substantive difference.

Fifth, the discussion of the "clear plastic material" in the Allers reference is cursory at best. There is no mention of the traits of this material. This is not surprising, since there is no performance requirement emphasized or mentioned in that patent. On the contrary, the present invention does require careful selection of a polymer material in order to obtain an impermeable seal. The selection of a polyethylene as discussed in the present application is a considered decision that enables the formation of an impermeable seal that is necessary in the preferred embodiments described - - a medication packaging.

Finally, with respect to claims 13-15 and 17 specifically, there is no credible teaching of the Allers reference being anything other than a food package. Food packaging is not necessarily applicable to medication packaging because of the impermeability requirements of medication packaging. On the other hand the reverse may be true, because the stringent packaging requirements of medications may be applied to the less demanding food packaging area. The conclusion of the Examiner in generalizing these two applications is improper and without basis.

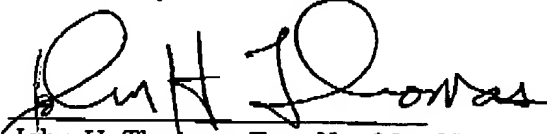
The Examiner has also rejected claims 11 and 12 on the basis that they are indefinite pursuant to section 112. Applicant submits that the explicit reference and incorporation of the U.S.P. test methods are sufficient to explicitly and definitely claim

the present invention. Of course the U. S. P. standards that relate to the present invention and claims 11 and 12 would be the standards in existence as of the time of the filing of the application.

For any one of the foregoing reasons alone, and certainly in view of all of the foregoing arguments, applicant submits that the present application is now in condition for allowance. Favorable action is requested thereon.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 50-2127.

Respectfully submitted,



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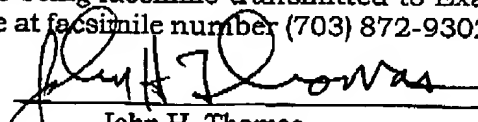
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Examiner David Fidei at the Patent and Trademark Office at facsimile number (703) 872-9302, on the date shown below.



John H. Thomas

Date: April 25, 2002

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. A sealed blister assembly comprising:

a plastic sheet having a recess formed therein, the recess having a perimeter all around an opening into the recess, and the perimeter further comprising an undercut;

a plastic lid adapted to attach to the perimeter of the recess and cover the opening into the recess, the plastic lid comprising a raised ridge having an outside edge adapted to engage the undercut of the plastic sheet around the entire perimeter,

wherein the engagement of the ridge and undercut forms an impermeable a seal, whereby a sealed blister is formed from the plastic lid and the recess of the plastic sheet.

13. A package assembly for dispensing a pharmaceutical medication comprising:

a plastic sheet having a medication receiving recess formed therein and with a substantially planar shoulder portion disposed along the peripheral portion of the sheet and further with a perimeter around the recess;

a pharmaceutical medication positioned in said recess of said plastic sheet;

a plastic lid positioned in an overlying relationship to the plastic sheet, the plastic lid comprising a raised ridge having an outside edge corresponding to the perimeter of the recess and frictionally engaging the perimeter to thereby close the recess and impermeably seal the medication therein.